



Crl.R.C.No.2189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2189 of 2023

Mr.Saravanan

...Petitioner/A2

-Vs-

State Rep by
The Inspector of Police,
Shevapet Police Station,
Salem District.
(Crime No.223 of 2018)

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 r/w 442 of BNSS, praying to call for the entire records in connection with C.A.No.07 of 2021 on the file of the learned I Additional District and Sessions Judge, Salem, and set aside the conviction and sentence imposed by the learned I Additional District and Sessions Judge, Salem in C.A.No.07 of 2021 dated 21.06.2023, confirming the conviction of three years Rigorous imprisonment passed by the learned Judicial Magistrate No.III, Salem by judgment dated 07.03.2020 in C.C.No.107 of 2018.

For Petitioners : Mr.N.Ranjith Kumar

For Respondent : Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)



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ORDER

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The petitioner/A2 has preferred the above revision challenging the judgment passed by the learned I Additional District and Sessions Judge, Salem, in Crl.A.No.07 of 2021 dated 21.06.2023, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 392 of IPC, and sentencing him to undergo rigorous imprisonment for three years and to pay a fine of Rs.500/-, and in default, to undergo simple imprisonment for three months.

2. The case of the prosecution is that on 19.05.2018 at about 9.15 a.m., the petitioner, along with the other accused (A1) came on a bike and snatched the gold chain, and had committed robbery of 7 sovereigns of gold jewels from the de facto complainant while she was walking on the road, thereby committing the aforesaid offence.

3. On the complaint given by PW1, an FIR was registered in Crime No.223 of 2018 for the offence under Section 392 of IPC. In order to prove its case, the prosecution had examined 10 witnesses and marked Exs.P1 to P13. The Trial Court found that the petitioner, along with one accused, was guilty of the offence under Section 392 of IPC and sentenced them as stated above.



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4. The learned counsel for the petitioner would submit that the judgment of the Courts below are liable to be set aside since there is no evidence connecting the petitioner to the alleged crime; that PW1, the victim, had stated that she cannot definitely say that the petitioner was involved in the occurrence; that the jewels were not recovered from the petitioner; that only a bike said to have been used in the occurrence was seized from him; that there is no evidence to show that the bike seized from the petitioner was used for the commission of the offence; and that in the absence of any evidence to convict the petitioner, the judgments of the Courts below convicting the petitioner are perverse and liable to be set aside.

5. The learned Government Advocate (Crl.Side) for the respondent would submit that the jewels were recovered from the first accused; that A1 had served the sentence imposed by the Trial Court; and that the concurrent findings of fact are not perverse warranting interference in this revision.

6. As stated above, the prosecution had examined 10 witnesses. PW1 is the victim, PW2 is her husband and is a hearsay witness, PW3 and PW4 are observation mahazar witnesses, and PW5 is a hearsay witness. PW6 is the Village Administrative Officer who signed in the seizure mahazar relates to



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gold jewels and in the confession of the first accused A1. PW7 is the Village Assistant who also signed the seizure mahazar, Ex.P6, and Ex.P7. PW8 is the Village Assistant who signed the confession of the petitioner. PW9 is the Assistant Sub Inspector of Police and PW10 is the Deputy Superintendent of Police.

7. From the above description of the witnesses, it is seen that the prosecution seeks to establish the offence under Section 392 of IPC as against the petitioner in the evidence of PW1 and the recovery of the bike from the petitioner. PW1, in her cross-examination had stated that she cannot definitely state that the petitioner was involved in the alleged occurrence. Apart from the evidence of PW1, the only other material circumstance relied upon by the prosecution is the recovery of the bike. No evidence has been let in by the prosecution to show that the bike seized from the petitioner was used for the commission of the alleged offence. All the witnesses stated that the accused came on a bike without identifying the bike with a registration number. The jewels were admittedly seized only from A1. Therefore, this Court is of the view that the judgments of the Courts below are not based on evidence available on record and are liable to be set aside.



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8. It is also seen that the petitioner is suffering from a mental disorder, as noted by this Court in a revision filed by the very same petitioner in Crl.R.C.No.855 of 2021.

9. Hence, the judgment of conviction passed by the learned I Additional District and Sessions Judge, Salem, in Crl.A.No.07 of 2021 dated 21.06.2023, confirming the judgment of conviction and sentence dated 07.03.2020 passed by the learned learned Judicial Magistrate No.III, Salem by judgment in C.C.No.107 of 2018, are hereby is aside.

10. Accordingly, the Criminal Revision Case stands allowed allowed. The petitioner is acquitted of the charges. The fine amount, if any, paid by the petitioners shall be refunded. The bail bond, if any, executed shall stand discharged.

03.02.2026

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SUNDER MOHAN, J.

cda

To

- 1.The I Additional District and Sessions Judge, Salem.
- 2.The Judicial Magistrate No.III, Salem.
- 3.The Inspector of Police,
Shevapet Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

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